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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

JAMES CRUZ, an individual,

Plaintiff,

v.

MERCK & CO., INC., a New Jersey
Corporation; MERCK Sharp &
DOHME CORP., a New Jersey
Corporation; ORGANON & CO., a
Delaware Corporation; ORGANON
LLC, a Delaware Limited Liability
Company; and DOES 1-10, Inclusive,

Defendants.

Case No. 2:22-cv-02348-CAS (AGRx)

**PLAINTIFF'S NOTICE OF
RELATED CIVIL CASES**

(Local Rule 83-1.3.1)

The Hon. Christina A. Synder

Crtrm.: 8D (First Street Courthouse)

Removal Date: April 7, 2022

1 TO THE HONORABLE COURT:

2 Plaintiff James Cruz in the above-entitled case, by and through the
3 undersigned counsel, hereby provides notice of the following related cases recently
4 removed to federal court by Defendants that are pending within the Central District
5 of California, pursuant to Local Rule 83-1.3.1:

6 1. *Haddad, et al. v. Merck & Co., Inc., et al.*, C.D. Cal. Case No. 2:22-cv-
7 02151-DMG (MAAx) (removed March 31, 2022);

8 2. *Srour v. Merck & Co., Inc., et al.*, C.D. Cal. Case No. 5:22-cv-00599-
9 JGB (KKx) (removed April 7, 2022).

10 Plaintiffs in the three related cases are represented by the same co-counsel.
11 All three complaints were recently filed in California state courts and removed to
12 federal court by Defendants, who are also represented by the same counsel (Venable
13 LLP). These three cases are related within the meaning of Local Rule 83-1.3.1
14 because the cases will call for determination of the same or substantially related or
15 similar questions of law and fact (L.R. 83-1.3.1(b)), and for other reasons would
16 entail substantial duplication of labor if heard by different judges (L.R. 83-1.3.1(c)).

17 **I. THE CASES RAISE THE SAME OR SUBSTANTIALLY RELATED**
18 **OR SIMILAR QUESTIONS OF LAW AND FACT.**

19 The Plaintiffs' civil complaints for damages all allege the same six causes of
20 action against Defendants arising from Plaintiffs' use of a prescription
21 pharmaceutical medication, Singulair (with active ingredient motelukast): (1) Strict
22 Liability – Design Defect; (2) Strict Liability – Failure to Warn; (3) Negligence; (4)
23 Negligent Misrepresentation; (5) Breach of Express Warranty; and (6) Breach of
24 Implied Warranty. The cases will involve common factual issues including
25 knowledge of adverse neuropsychiatric events and the FDA's issuance of a
26 requirement on March 4, 2020 to provide a "blackbox" warning on the drug label
27 regarding neuropsychiatric events, and a new medication guide. Moreover, on April
28 7, 2022, counsel for Defendants advised counsel for Plaintiffs of Defendants' intent

1 to file motions to dismiss challenging personal jurisdiction across the cases, as it has
2 recently done in the *Haddad* case. Defendants will likely assert other same or
3 similar defenses to the cases. As such, Plaintiffs contend these cases will present the
4 same or substantially related or similar questions of law and fact.

5 **II. THERE ARE RISKS OF SUBSTANTIAL DUPLICATION OF LABOR**
6 **AND INCONSISTENT RULINGS UNLESS THE CASES ARE**
7 **RELATED.**

8 Second, assignment of the three cases to different judicial officers would
9 likely entail substantial duplication of labor because the legal and factual issues
10 overlap. There will likely be similar discovery and motions practice on the same or
11 substantially similar issues. Therefore, all three cases and any future case removed
12 by Defendants to the Central District of California, involving the same or similar
13 claims should be deemed related and assigned to one District Judge. Doing so would
14 also avoid inconsistent rulings on forthcoming motions to dismiss and other motions
15 practice.

16 DATED: April 13, 2022

Respectfully submitted,

BOUCHER LLP

20 By: /s/ Shehnaz M. Bhujwala
21 SHEHNAZ M. BHUJWALA

22 *Attorneys for Plaintiff*
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PROOF OF SERVICE

**Cruz v. Merck & Co., Inc., et al.
Case No. 2:22-cv-02348-CAS-AGR**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 21600 Oxnard Street, Suite 600, Woodland Hills, CA 91367-4903.

On April 13, 2022, I served true copies of the following document(s) described as **PLAINTIFF'S NOTICE OF RELATED CIVIL CASES** on the interested parties in this action as follows:

Kimberly Beck, Pro Hac Vice *Attorneys for Plaintiff*
BECK LAW CENTER
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Tel: (888) 434-2912
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BY E-MAIL OR ELECTRONIC TRANSMISSION: Pursuant to Code of Civil Procedure section 1010.6 and California Rule of Court 2.251, or pursuant to the Court's order authorizing electronic service, or by an agreement of the parties, I caused the document(s) to be sent from e-mail address Yue@boucher.la to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 13, 2022, at Woodland Hills, California.



Tricia Yue